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Letter dated 22 October 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Uruguay submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex to the letter dated 22 October 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

[Original: Spanish]

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to transmit herewith the report prepared by Uruguay pursuant to Security Council resolution 1624 (2005) (see enclosure).

The Permanent Mission of Uruguay to the United Nations takes this opportunity to convey to the Counter-Terrorism Committee the renewed assurances of its highest consideration.

Enclosure

[Original: Spanish]

Report of the Eastern Republic of Uruguay on General Assembly resolution 50/53 of 11 December 1995 , Security Council resolution 1269 (1999) and Security Council resolution 1624 (2005)

1. Measures adopted to prohibit by law incitement to commit a terrorist act or acts.

1.1. The Eastern Republic of Uruguay has ratified the following international counter-terrorism conventions:

- International Convention for the Suppression of Terrorist Bombings;
- International Convention for the Suppression of the Financing of Terrorism;
- Anti-Personnel Mine Ban Convention;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft
- Convention for the Suppression of Unlawful Seizure of Aircraft;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- International Convention against the Taking of Hostages;
- Convention on the Physical Protection of Nuclear Material;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
- Inter-American Convention against Terrorism.

1.2. With regard to the scope of application of the law, the General Penal Code and the Code of Penal Procedure make provision for Uruguay to exercise jurisdiction in accordance with the provisions of international treaties on terrorism. The principle of territoriality is reflected in article 9 and the principle of active and passive nationality in article 10 of the Penal Code; in addition, article 10 provides for the possible scenario of new international treaties being established, to which Uruguay may wish to accede in the future.

1.3. Act No. 17,835 of 23 September 2004 on strengthening the system for prevention of money-laundering and the financing of terrorism does not create a separate criminal offence of terrorism. However, in its articles 14 and 15 it establishes an aggravating circumstance for crimes which are already defined in the Penal Code and considered to be terrorist acts as provided for in the relevant international instruments whenever there is the intention "to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act". This legal

criterion is taken from the International Convention for the Suppression of the Financing of Terrorism of 1999, which was ratified by Uruguay on 8 January 2004.

1.4. In view of the above, the Eastern Republic of Uruguay has strengthened its legal instruments for prohibiting incitement and discouraging the commission of a terrorist act or acts, as Member States are urged to do pursuant to Security Council resolution 1624 (2005).

2. Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct.

2.1. The legal and regulatory framework of Uruguay not only denies safe haven but requires the appropriate legal proceedings to be initiated in each case.

3. To strengthen the security of their international borders, including by combating fraudulent travel documents, and, to the extent attainable, by enhancing the terrorist screening and passenger security procedures with a view to preventing those guilty of the conduct referred to from entering their territory.

3.1. Border security is a constant concern of the Uruguayan Government and in that connection, a number of tools have been created to enhance coordination among the various bodies that interact at each border crossing.

3.2. A Counter-terrorism Database and Liaison Office has been set up (through Executive Decision No. 77,741) and has access to all security agencies responsible for the control of border crossings; in addition, cooperation agreements have been concluded with all neighbouring countries and private transport companies of relevance in that regard have pledged their cooperation.

3.3. The Government of Uruguay is also considering the use of new technological tools to combat fraudulent travel documents and for the control and registration of persons entering and leaving Uruguayan territory; it has also increased the opportunities for training and skills building for the staff of the National Immigration Department, the National Customs Directorate, the Aeronautical Police and the Coastguard.

4. International efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures.

4.1 The Eastern Republic of Uruguay plays an active role in the various regional, continental and global bodies that work to promote dialogue and enhance understanding among nations.

4.2 Uruguay is a member of the Inter-American Committee against Terrorism and, through Executive Decision No. 1519/001, designated the Under-Secretary of Defence as Uruguay's representative on that Committee and the Under-Secretary of Internal Affairs as his Deputy.

5. To take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters.

5.1. The Eastern Republic of Uruguay has a fully democratic and republican form of Government in which political, educational, cultural and religious institutions are the pillars of peaceful and democratic coexistence; nevertheless, as stated above, the State has the tools to prevent, discourage and suppress acts of terrorism against those institutions and also has an independent judiciary which punishes those who break the law, while ensuring that those accused of such crimes are provided with guarantees of due process and that human rights and the norms of international humanitarian law are fully respected.

6. States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of Security Council resolution 1624 (2005) comply with all of their obligations under international law, in particular international human rights law, refugee law and humanitarian law.

6.1. The Government of the Eastern Republic of Uruguay respects international law, in particular in relation to the protection of human rights, refugee law and international humanitarian law.

6.2. In that connection, Uruguay is currently in the process of improving detention conditions in prisons by enhancing the quality of life of the prison population. It is encouraging new forms of detention which give priority to rehabilitation and social integration, in which efforts are made to prevent radicalization in prison and to prevent detainees from joining organized crime or terrorist organizations.